IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

WP(C).No. 8627 of 2004(B)

PETITIONER:

PARAPPARA ABDU, AGED 41 YEARS,
S/O.UNNEEN HAJI, TIRUR TALUK, OMACHAPPUZHA AMSOM,
PERINCHERI DESOM, MALAPPURAM.

BY ADV. SRI.BABU KARUKAPADATH
SMT.M.A.VAHEEDA BABU

RESPONDENTS:

1. THE DISTRICT COLELCTOR, MALAPPURAM.

2. THE DEPUTY TAHSILDAR, (RR),
TALUK OFFICE, TIRUR.

3. THE JOINT REGIONAL TRANSPORT OFFICER,
TIRUR.

4. NEYYANNOOR ABDUL MAJEED,
AGED 40 YEARS, S/O.KUNJAN, KURUMPATHOOR AMSOM,
PUNNATHALA DESOM,TIRUR.

Addl.R5: DEPUTY TRANSPORT COMMISSIONER,
THRISSUR.
(Additional 5th respondent impleaded as per order dated
4.6.2004 in I.A.6637/04)

BY GOVERNMENT PLEADER SMT.K.R.DEEPA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: A true copy of the agreement of sale of the lorry bearing Reg.No.KL-10/9734 executed by the petitioner with the 3rd respondent.

Ext.P2: A true copy of the Revenue Recovery Notice dated 23.3.2002 issued by the 2nd respondent to the petitioner demanding payment of Rs.65,100/-

Ext.P3: A true copy of the receipt no.1324597 dated 30.12.2002 evidencing payment of the balance. Amount of Rs.7508/-

Ext.P4: A true copy of the said demand notice dated 27.11.2003 issued by the 3rd respondent to the petitioner.

Ext.P5: A true copy of the explanation dated 17.1.2004 submitted by the petitioner before the 3rd respondent.

Ext.P6: A true copy of the said revenue recovery notice demanding payment of Rs.41.075 + 5% CC dated 26.2.2004 issued by the 2nd respondent to the petitioner.

Ext.P7: True copy of the deposition given by the 4th respondent in O.S.No.20/02.

Ext.P8: True copy of the memorandum of appeal submitted by me before the Deputy Transport Commissioner, Thrissur.

Ext.P9: True copy of the letter dated 16.4.2004 issued by the deputy Transport Commissioner, Thrissur.

// True copy //

P.A. to Judge

KURIAN JOSEPH, J.

- -

W.P.(C)NO.8627 OF 2004

- -

Dated this the 2nd day of April 2007

JUDGMENT

Writ petition is filed with the following prayer:

> "quash Exts.P6 and P4 notices issued by the respondents 2 and 3 respectively to the petitioner demanding payment of Rs.41,075 for the arrears of Motor Vehicles Tax with respect of the lorry bearing Reg.No.KL-10/9734 for the period from 1.1.2001 to 31.12.2003."

2. It is seen from the reply affidavit filed by petitioner that he had pursued the appellate remedy as per Ext.P8 appeal. There will be a direction to the appellate authority to dispose of the same in accordance with law, if not already disposed of, with notice to the petitioner and respondent no.4 within a period of three months from the date of receipt of a copy of this judgment. It is made clear that in case it is already disposed of, it will be open to the petitioner to pursue the remedy in appropriate proceedings. In order to enable

the petitioner to work out the relief as above, the interim order passed by this court dated 4.6.2004 will continue for a further period of three months.

Accordingly, writ petition is disposed of.

KURIAN JOSEPH, JUDGE

jes